
TITLE 326 AIR POLLUTION CONTROL DIVISION

NOTICE OF READOPTION
IC 13-14-9.5 NOTICE OF FIRST COMMENT PERIOD
LSA Document #13-173

READOPTED OF RULES IN TITLE 326 UNDER IC 13-14-9.5

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on the readoption of rules in Title 326 of the Indiana Administrative Code under IC 13-14-9.5.

RULES TO BE READOPTED:

<u>326 IAC 17.1</u>	PUBLIC RECORDS; CONFIDENTIAL INFORMATION; CONFIDENTIALITY AGREEMENTS
<u>326 IAC 25-1</u>	Environmental Stewardship Program and Comprehensive Local Environmental Action Network Community Challenge Program

RULES TO EXPIRE:

<u>326 IAC 25-2-3</u>	Monthly compliance methods for volatile organic compound
<u>326 IAC 25-2-4</u>	Pollution prevention projects

AUTHORITY: IC 13-14-9.5.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

This rulemaking is required under IC 13-14-9.5, which provides for the expiration and readoption of administrative rules. All rules adopted after January 1, 2002, under IC 13-14-9, expire on January 1 of the seventh year after the year in which each rule takes effect. The rules listed to be readopted have an expiration date of January 1, 2014. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches. IDEM is allowing 326 IAC 25-2-3 and 326 IAC 25-2-4 to expire since the state environmental stewardship program (ESP) incentives have not been used. The United States Environmental Protection Agency (U.S. EPA) did not approve these incentives for regulatory flexibility and therefore IDEM has not implemented either of these provisions.

Under IC 13-14-9.5-4, the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during this first comment period, IDEM may submit the rule for filing with the Publisher under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-9.5-4 requires that the following procedure be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles shall be submitted to the Publisher for publication in the Indiana Register.
- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking, the agency must:
 - (A) readopt that rule separately from the readoption rule; and
 - (B) follow the procedure for adoption of administrative rules under IC 13-14-9 with respect to that rule.
- (3) If no written request is provided within the first comment period, the agency may submit the rule for filing with the Publisher under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

REQUEST FOR PUBLIC COMMENTS

IDEM requests that any written comments requesting that a rule be readopted separately from this readoption rule include a basis for the request. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:
LSA Document #13-173 2013 Title 326 Rule Readoption
Susan Bem
Rule Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management

100 North Senate Avenue
MC 61-49
Indianapolis, IN 46204

(2) By facsimile to (317) 233-5970. Please confirm the timely receipt of your faxed comments by calling the Rule Development Branch at (317) 233-8903.

(3) By electronic mail to sbem@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the email address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or time stamped not later than June 21, 2013. Hand-delivered comments must be delivered to the office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Susan Bem, Rule Development Branch, Office of Legal Counsel, (317) 232-5697 or (800) 451-6027 (in Indiana).

Nancy King, Chief
Rule Development Branch
Office of Legal Counsel

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